

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEZZIE R. VANCE,
Petitioner,

vs.

Civil Action 2:10-CV-746
Judge Marbley
Magistrate Judge King

WARDEN, HOCKING CORRECTIONAL
FACILITY,

Respondent.

ORDER

Final judgment dismissing this action was entered on February 3, 2012, Doc. No. 41, and petitioner has filed a notice of appeal from that judgment, Doc. No. 42. This Court receives that notice of appeal as including a certificate of appealability.

For the reasons stated in the *Report and Recommendation*, Doc. No. 31, and in this Court's order adopting that *Report and Recommendation*, Doc. No. 40, the Court **DECLINES** to issue a certificate of appealability.

Moreover, petitioner is **DIRECTED** to pay the filing fee within 30 days or submit an application for leave to proceed on appeal without payment of fees. His failure to do so may result in the dismissal of his appeal.

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge